

ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Rother District Council ("the Council")

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES:

Land at 19 Starrs Mead, Battle, East Sussex TN33 0UB (Land Registry Ref ESX218072) as shown edged red on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:

Without planning permission, the erection of a rear raised garden terrace extending from an existing raised access and steps, with decorative privacy panels installed on the west boundary of this raised terrace, in the approximate position shown coloured blue on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE:

- i. It appears to the Council that the above breach of planning control has occurred within the last four years.
- ii. The raised terrace affords direct views into the rear gardens and habitable rooms of neighbouring properties, resulting in an unacceptable degree of overlooking and a loss of privacy. This is with particular regard to 18 Starrs Mead, where the terrace abuts the side boundary at 1.53m above ground level more or less corresponding with the top of the boundary fence and directly overlooks the rear garden and conservatory of this property. Given its establishment as a seating area with an increased level of use, it would have an unacceptable impact on the privacy of this property. This is in spite of the attempt to provide privacy panels which are ornate and cut out and do not provide any privacy. The privacy panels extend to a height of 3.2m above the ground level and as such are overbearing and also appear out of character and incongruous with the host dwelling and surrounding development.
- iii. The development is therefore contrary to Policy OSS4 (ii) & (iv) and EN3 (ii) of the Rother District Local Plan Core Strategy and Policies DEN1 and DHG9 (i) & (ii) of the Development and Site Allocations Local Plan (2019).

- iv. Retrospective Planning Permission (reference RR/2022/2949/P) to retain the development has been refused.
- v. In view of the points at (i) (ii) (iii) & (iv) above the Council considers it expedient to take enforcement action.

5. WHAT YOU ARE REQUIRED TO DO:

- 1) Demolish, dismantle and remove the raised garden terrace extending from an existing original raised access and steps.
- 2) Remove the privacy screens installed on the western boundary of the land on the erected raised terrace.
- 3) Reinstate the original access and steps removed to facilitate the unauthorised development in the approximate position shown coloured blue on the attached plan.
- 4) Remove all waste, debris, equipment, tools and materials from the Land arising from compliance with the above requirements.

6. TIME FOR COMPLIANCE

The periods for compliance with the steps 1-4 set out in paragraph 5 are :

Four (4) months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT:

This notice takes effect on 18 April 2023 unless appeal is made against it beforehand.

Dated: 7 March 2023

Signed:

Director of Place and Climate Change

Authorised signatory

On behalf of:

Rother District Council

Town Hall

Bexhill on Sea

East Sussex

TN39 3JX

Ref

Officer:

Telephone:

Email: _____

LIST OF PERSONS SERVED WITH A COPY OF THE ENFORCEMENT NOTICE

ANNEX:

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

If you want to appeal, you can do it:

- online at the Planning Casework Service area of the Planning Portal <https://acp.planninginspectorate.gov.uk>, or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing enquiries@pins.gsi.gov.uk

WHAT HAPPENS IF YOU DO NOT APPEAL

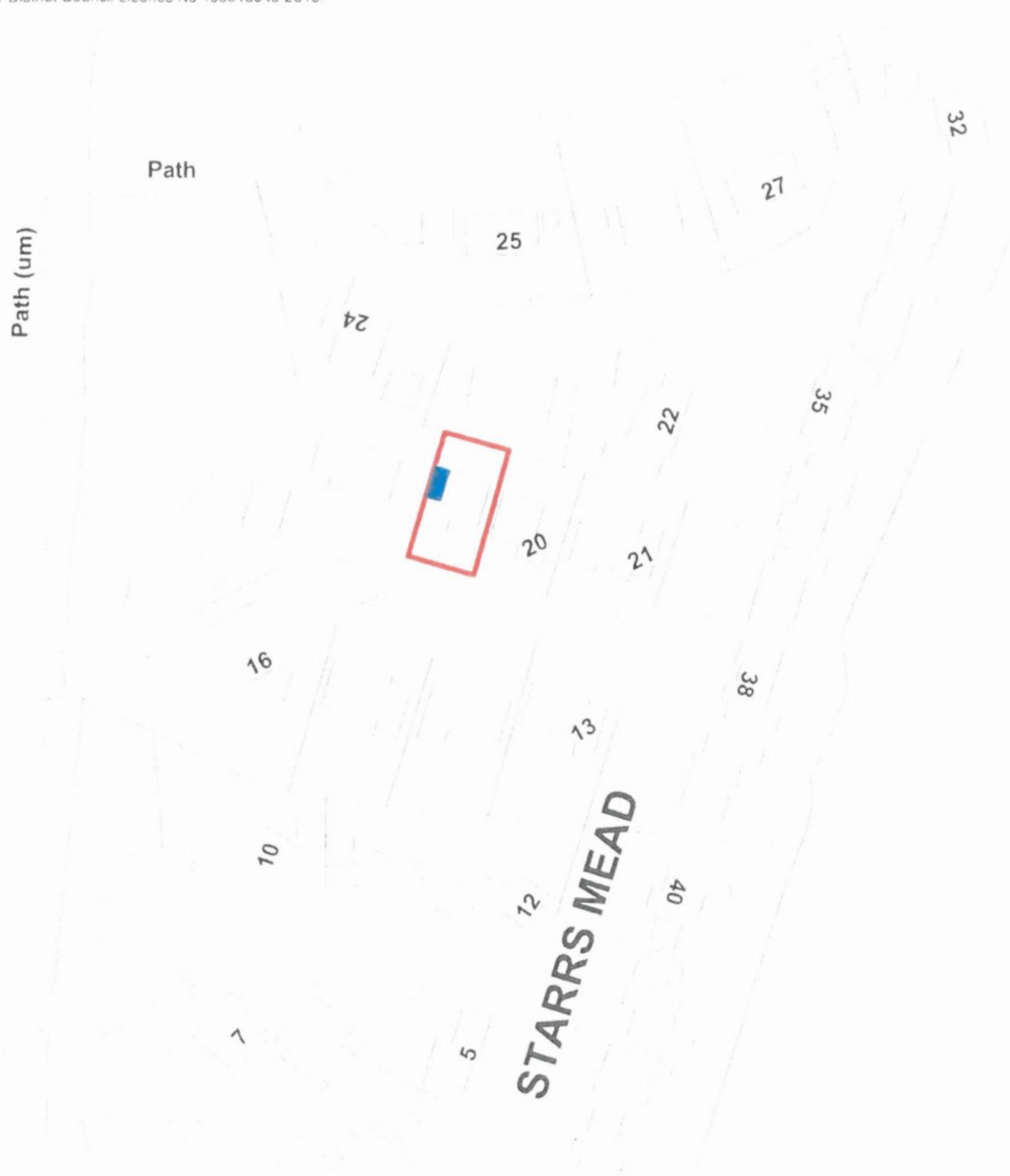
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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Plan: Enforcement

File: ENF/331/BAT

Scale: 1:1000

N.G. Ref: TQ7615SW